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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,526	11/19/2003	Toshikazu Morisawa	04329.3184	4680
22852	7590	10/25/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			STOYNOV, STEFAN	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/715,526		MORISAWA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Stefan Stojnov		2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10,14 and 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/11/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Information Disclosure Statement***

The information disclosure statement filed March 16, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no written English-language translations on the non-English-language documents were provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Thelander et al., US Patent Appl. Pub. No. 2003/0009705.

Regarding claim 1, Thelander discloses an electric apparatus comprising:

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a creation unit configured to create profiles, based upon inputs from a user of the apparatus, for managing system operating environment items (paragraph 0063, lines 1-11, FIG. 3, 303);

a settling unit configured to set a time zone capable of executing the system operation in accordance with the profiles created by the creation unit (paragraph 0007, lines 1-11, paragraph 0022, lines 7-11, paragraph 0025, lines 5-8, paragraph 0032, lines 1-9, paragraph 0038, lines 14-19, paragraph 0040, lines 13-18, paragraph 0041, lines 1-12, paragraph 0042, lines 1-5, paragraph 0046, lines 1-25, paragraph 0047, lines 1-3, FIG. 3, 307, FIG(s) 4 and 5); and

a control unit configured to carry out system operation based on the profiles created by the creation unit corresponding to the time zone set by the setting unit (paragraph 0037, lines 8-18, paragraph 0038, lines 11-13, paragraph 0040, lines 1-13, FIG. 3, 305).

Regarding claim 3, Thelander further discloses the apparatus, further comprising:

an effective period setting unit configured to set an effective period predetermined by the setting unit (paragraph 0040, lines 13-18, paragraph 0041, lines 1-12, paragraph 0042, lines 1-5, paragraph 0046, lines 1-25, paragraph 0047, lines 1-25, FIG(s) 4 and 5).

Regarding claim 4, Thelander further discloses the apparatus, wherein the apparatus is powered by an external power source or a battery chargeable by the external power source (FIG. 4),

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a first profile of the profiles includes a setup item for driving the electronic apparatus by the battery in a first time zone set by the setting unit (paragraph 0045, lines 10-17, FIG. 4), and

the control unit drives the electronic apparatus by the battery in the first time zone set based on the first profile (paragraph 0046 line 1 –paragraph 0046, line 25, FIG. 5).

***Allowable Subject Matter***

Claims 5-10, 14, and 16-18 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claim 1 filed 08/11/2006 have been fully considered but they are not persuasive.

The applicant argued in essence that the Thelander reference fails to disclose a creation unit configured to create profiles, based upon inputs from a user of the apparatus, for managing system operating environment items.

The examiner respectfully disagrees. Thelander discloses implementing the client unit 303 as a local application (i.e. creation unit) on a standalone computer allowing the user of the computer to define power management profiles on the computer, where the user sets different profiles in order to enforce the desired power management scheme (paragraph 0063, lines 1-11). Thus, Thelander discloses a creation unit configured to create profiles, based upon inputs from a user of the apparatus, for managing system operating environment items.

Dependent claims 3 and 4 stand rejected as indicated above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoykov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS



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